

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Palmetto Conservation Foundation,)	
)	
Plaintiff,)	C.A. No. 8:08-2738-HMH
)	
vs.)	
)	
)	ORDER OF CONTINUANCE
)	AND TO CONDUCT MEDIATION
H.J. Smith,)	
)	
Defendant.)	

Failure to comply with this order may result in sanctions.

This matter is continued to the November 2009 term of court. Further, a mediation is to be completed in the above-referenced matter prior to **September 18, 2009**, on a date agreed to by the parties. Upon completion of the mediation, the court is to be advised of the results.

Attorneys primarily responsible for handling the trial, parties and/or insurer representatives with full settlement authority¹ are ordered to be present in person, and will only be excused for good cause shown. Every person who is excused from attending in person must be available to participate by telephone unless otherwise ordered. Lack of discovery or settlement authority is no excuse for failure to appear and participate. At the mediation, primary trial counsel, along with parties and/or their insurer representatives, should be prepared to negotiate on this case in a mutual, good faith effort to reach a fair and reasonable settlement. If a settlement is not reached, settlement discussions will be inadmissible in court.

¹“Full settlement authority” for the defendant means an individual who can decide to offer the plaintiff a sum up to the existing demand of the plaintiff or the policy limits of any applicable insurance policy, whichever is less. “Full settlement authority” for the plaintiff means the plaintiff himself or herself or a representative of the plaintiff who can make a binding decision on behalf of the plaintiff or plaintiffs.

If any reason exists why you and your client should not participate in this scheduled conference, you must advise the court in writing no later than ten days from the date of this order.

Notices have been sent to all counsel of record. Counsel are responsible for notifying and ensuring the presence of parties and/or insurer representatives as described above.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

August 19, 2009
Greenville, South Carolina